



# House of Representatives

General Assembly

**File No. 387**

February Session, 2012

House Bill No. 5290

*House of Representatives, April 12, 2012*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING THE LEASING OF JUDICIAL BRANCH FACILITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 4b-3 of the 2012 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2012*):

4 (d) Notwithstanding any other statute or special act to the contrary,  
5 the Commissioner of Administrative Services shall be the sole person  
6 authorized to represent the state in its dealings with third parties for  
7 the acquisition or leasing of real estate for housing the offices or  
8 equipment of all agencies of the state or for the state-owned public  
9 buildings or realty and the Commissioner of Construction Services  
10 shall be the sole person authorized to represent the state in its dealings  
11 with third parties for the construction or development of real estate or  
12 state-owned public buildings or realty, as provided for in sections 2-90,  
13 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, 4b-26, 4b-27, 4b-30, as  
14 amended by this act, and 4b-32, subsection (c) of section 4b-66 and

15 sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-89,  
16 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45,  
17 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that (1) the Joint  
18 Committee on Legislative Management may represent the state in the  
19 planning and construction of the Legislative Office Building and  
20 related facilities, in Hartford; (2) the Chief Court Administrator may  
21 represent the state in providing for (A) space for the Court Support  
22 Services Division as part of a new or existing contract for an alternative  
23 incarceration program pursuant to section 54-103b or a program  
24 developed pursuant to section 46b-121i, 46b-121j, 46b-121k or 46b-121l,  
25 or (B) other real estate needs of the Judicial Branch when delegated  
26 authority to do so by the Commissioner of Administrative Services; (3)  
27 the board of trustees of a constituent unit of the state system of higher  
28 education may represent the state in the leasing of real estate for  
29 housing the offices or equipment of such constituent unit, provided no  
30 lease payments for such realty are made with funds generated from  
31 the general revenues of the state; (4) the Labor Commissioner may  
32 represent the state in the leasing of premises required for employment  
33 security operations as provided in subsection (c) of section 31-250; (5)  
34 the Commissioner of Developmental Services may represent the state  
35 in the leasing of residential property as part of the program developed  
36 pursuant to subsection (b) of section 17a-218, provided such residential  
37 property does not exceed two thousand five hundred square feet, for  
38 the community placement of persons eligible to receive residential  
39 services from the department; (6) the Commissioner of Mental Health  
40 and Addiction Services may represent the state in the leasing of  
41 residential units as part of a program developed pursuant to section  
42 17a-455a, provided each such residential unit does not exceed two  
43 thousand five hundred square feet; and (7) the Connecticut Marketing  
44 Authority may represent the state in the leasing of land or markets  
45 under the control of the Connecticut Marketing Authority, and, except  
46 for the housing of offices or equipment in connection with the initial  
47 acquisition of an existing state mass transit system or the leasing of  
48 land by the Connecticut Marketing Authority for a term of one year or  
49 more in which cases the actions of the Department of Transportation

50 and the Connecticut Marketing Authority shall be subject to the review  
51 and approval of the State Properties Review Board. The Commissioner  
52 of Administrative Services shall have the power to establish and  
53 implement any procedures necessary for the commissioner to assume  
54 the commissioner's responsibilities as said sole bargaining agent for  
55 state realty acquisitions and shall perform the duties necessary to carry  
56 out such procedures. The Commissioner of Administrative Services or  
57 the Commissioner of Construction Services may appoint, within each  
58 department's budget and subject to the provisions of chapter 67, such  
59 personnel deemed necessary by the applicable commissioner to carry  
60 out the provisions hereof, including experts in real estate, construction  
61 operations, financing, banking, contracting, architecture and  
62 engineering. The Attorney General's office, at the request of the  
63 Commissioner of Administrative Services, shall assist the  
64 Commissioner of Administrative Services in contract negotiations  
65 regarding the purchase or lease of real estate, and, at the request of the  
66 Commissioner of Construction Services, shall assist said commissioner  
67 in contract negotiations regarding the construction of real estate.

68 Sec. 2. Subsection (f) of section 4b-3 of the 2012 supplement to the  
69 general statutes is repealed and the following is substituted in lieu  
70 thereof (*Effective July 1, 2012*):

71 (f) The State Properties Review Board shall review real estate  
72 acquisitions, sales, leases and subleases proposed by the  
73 Commissioner of Administrative Services or proposed by the Chief  
74 Court Administrator pursuant to the authority delegated to the Chief  
75 Court Administrator by the Commissioner of Administrative Services,  
76 the acquisition, other than by condemnation, or the sale or lease of any  
77 property by the Commissioner of Transportation under subdivision  
78 (11) of section 13b-4, subject to section 4b-23 and subsection (h) of  
79 section 13a-73 and review, for approval or disapproval, any contract  
80 for a project described in subsection (h) of section 4b-91. Such review  
81 shall consider all aspects of the proposed actions, including feasibility  
82 and method of acquisition and the prudence of the business method  
83 proposed. The board shall also cooperate with and advise and assist

84 the Commissioner of Administrative Services and the Commissioner of  
85 Transportation in carrying out their duties. The board shall have access  
86 to all information, files and records, including financial records, of the  
87 Commissioner of Administrative Services and the Commissioner of  
88 Transportation, and shall, when necessary, be entitled to the use of  
89 personnel employed by said commissioners. The board shall approve  
90 or disapprove any acquisition of development rights of agricultural  
91 land by the Commissioner of Agriculture under section 22-26cc. The  
92 board shall hear any appeal under section 8-273a and shall render a  
93 final decision on the appeal within thirty days thereafter. The written  
94 decision of the board shall be a final decision for the purposes of  
95 sections 4-180 and 4-183. The provisions of this section shall not apply  
96 to any airport, airport site or any part thereof operated by the  
97 Connecticut Airport Authority established pursuant to section 15-  
98 120bb.

99 Sec. 3. Subsection (a) of section 4b-30 of the general statutes is  
100 repealed and the following is substituted in lieu thereof (*Effective July*  
101 *1, 2012*):

102 (a) The Commissioner of Administrative Services shall assign office  
103 space and provide necessary accommodations in state-owned facilities  
104 for state agencies, other than institutions, the Legislative [Department]  
105 Branch and the Judicial [Department] Branch. Subject to the provisions  
106 of section 4b-23, the commissioner shall execute all leases for offices or  
107 any other type of space or facility necessary to meet the needs of all  
108 state agencies, the Judicial [Department] Branch, the Division of  
109 Criminal Justice, the Public Defender Services Commission and  
110 institutions. Any provisions of the general statutes to the contrary  
111 notwithstanding, the Commissioner of Administrative Services shall  
112 be the sole authority for negotiating such leases, provided any such  
113 leases, intending to provide for the needs of institutions, shall further  
114 be subject to the approval of the board of trustees of the institution  
115 involved and provided further, the Commissioner of Administrative  
116 Services shall expedite the handling of leases to meet emergency and  
117 short term needs. Subject to the provisions of section 4b-23, the

118 commissioner may delegate authority to the Chief Court  
119 Administrator to negotiate and enter into leases for office, court or  
120 parking facilities for the Judicial Branch when the commissioner deems  
121 such delegation to be appropriate and such leases will be consistent  
122 with relevant real estate and contracting laws. For the purposes of this  
123 section, the term "Judicial [Department] Branch" does not include the  
124 courts of probate, the Division of Criminal Justice and the Public  
125 Defender Services Commission, except where they share facilities in  
126 state-maintained courts.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2012	4b-3(d)
Sec. 2	July 1, 2012	4b-3(f)
Sec. 3	July 1, 2012	4b-30(a)

**JUD**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill grants the Department of Administrative Services (DAS) the ability to delegate leasing authority to the Judicial Department. There is no fiscal impact to the DAS, as it is anticipated the agency will continue to handle the majority of the Judicial Department's leases.

There is no fiscal impact to the Judicial Department, as the agency has existing staff that will assume leasing responsibilities delegated by the DAS.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****HB 5290****AN ACT CONCERNING THE LEASING OF JUDICIAL BRANCH FACILITIES****SUMMARY:**

This bill gives the chief court administrator authority to represent the state in dealings to provide for Judicial Branch real estate needs when the Department of Administrative Services (DAS) commissioner delegates his authority to her. By law, the chief court administrator can already represent the state in negotiations for space for certain specified programs. The bill explicitly allows the DAS commissioner to delegate authority to lease office, court, or parking facilities when he decides that the delegation is appropriate and that the leases will comply with relevant real estate and contracting laws. Real estate leases the chief court administrator proposes must be reviewed and approved by the State Properties Review Board, as they are under current law when proposed by the DAS commissioner.

EFFECTIVE DATE: July 1, 2012

**JUDICIAL BRANCH FACILITIES**

The bill expands the chief court administrator's authority to represent the state in property matters, which currently cover contracts for space for:

1. Court Support Services Division staff implementing an alternative incarceration program (CGS § 54-103b);
2. juvenile justice system programs and services (CGS § 46b-121i);
3. probation treatment programs and services for juvenile offenders (CGS § 46b-121j);

4. programs, services, and facilities to prevent and reduce delinquency and crime among juvenile offenders (CGS § 46b-121k); and
5. early intervention projects for juvenile offenders (CGS § 46b-121l).

Under the bill, if authorized by the DAS commissioner, the chief court administrator can negotiate and enter leases for office, court, or parking facilities. Judicial Branch leases must conform to the state's facility plan and comply with its implementation.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 42      Nay 0      (03/26/2012)